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LEGISLATIVE HISTORY

Public Law 364--77th Congress

Chapter 611--1st Session

S. 2077

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DIGEST OF PUBLIC LAW 364

AGRICULTURAL CONSERVATION PROGRAM PAYMENTS TO FARMERS WHOSE CROPS HAVE BEEN ACQUIRED FOR NATIONAL DEFENSE. Amends the Department of Agriculture Appropriation Act, 1942, so as to provide for agricultural conservation program payments to farmers whose crops have been acquired under the national-defense program to the extent that in connection with such acquisition full compensation was not made for failure to receive such payments, and permits landlords operating on U. S. Government lands to share in agricultural conservation payments in connection with 1940 and 1941 farming operations.

INDEX AND SUMMARY OF HISTORY ON S. 2077

October 2, 1941	H. R. 5739 was introduced by Rep. Pace and was referred to the House Committee on Agriculture. Print of the bill as introduced. (Companion bill).
November 27, 1941	S. 2077 was introduced by Senator Spencer and was referred to the Senate Committee on Agriculture and Forestry. Print of the bill as introduced.
December 4, 1941	Senate Committee reported S. 2077 with an amendment. Senate Report 855. Print of the bill as reported.
December 5, 1941	House Committee reported H. R. 5739 without amendment. House Report 1477. Print of the bill as reported.
December 9, 1941	Senate discussed S. 2077.
December 11, 1941	Senate discussed and passed S. 2077 as reported.
December 15, 1941	House discussed and passed S. 2077 in lieu of H. R. 5739.
December 22, 1941	Approved. Public Law 364.

77TH CONGRESS
1ST SESSION

H. R. 5739

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 2, 1941

Mr. PACE introduced the following bill; which was referred to the Committee on Agriculture

A BILL

Amending the Department of Agriculture Appropriation Act, 1942, so as to provide for agricultural conservation program payments to farmers whose crops have been acquired under the national-defense program.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 That the last proviso under the head "Conservation and Use
- 4 of Agricultural Land Resources, Department of Agriculture"
- 5 in the Department of Agriculture Appropriation Act, 1942
- 6 (Public Law 144, Seventy-seventh Congress, approved July
- 7 1, 1941), is amended to read as follows: "*Provided further,*
- 8 That notwithstanding any other provision of law, persons
- 9 who in 1940 and 1941 carried out farming operations as

1 tenants or sharecroppers on cropland owned by the United
2 States Government and who complied with the terms and
3 conditions of the 1940 and 1941 agricultural conservation
4 programs, formulated pursuant to sections 7 to 17, inclusive,
5 of the Soil Conservation and Domestic Allotment Act, as
6 amended, shall be entitled to apply for and receive payments,
7 or to retain payments heretofore made, for their participation
8 in said program to the same extent as other producers, and
9 wherever in either of such years the acquisition of title to,
10 or lease of, any farm for use in the national-defense program
11 caused the producers to lose their interest in the crops planted
12 thereon, or the proceeds thereof, prior to the time of harvest,
13 the landlord, tenants, and sharecroppers on such farm in such
14 year shall be entitled to apply for and receive the payments
15 which they would have received under the agricultural con-
16 servation program for such year if they had been permitted
17 to retain their interest in such crops, or the proceeds thereof,
18 to the extent that it does not clearly appear that in connection
19 with such acquisition full compensation was made for the
20 failure to receive such payments.”

A BILL

Amending the Department of Agriculture Appropriation Act, 1942, so as to provide for agricultural conservation program payments to farmers whose crops have been acquired under the national-defense program.

By Mr. PACE

OCTOBER 2, 1941

Referred to the Committee on Agriculture

77TH CONGRESS
1ST SESSION

S. 2077



IN THE SENATE OF THE UNITED STATES

NOVEMBER 27, 1941

Mr. SPENCER introduced the following bill; which was read twice and referred to the Committee on Agriculture and Forestry

A BILL

Amending the Department of Agriculture Appropriation Act, 1942, so as to provide for agricultural conservation program payments to farmers whose crops have been acquired under the national-defense program.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the last proviso under the head "Conservation and Use
4 of Agricultural Land Resources, Department of Agriculture"
5 in the Department of Agriculture Appropriation Act, 1942
6 (Public Law 144, Seventy-seventh Congress, approved July
7 1, 1941), is amended to read as follows: "*Provided further,*
8 That notwithstanding any other provision of law, persons who
9 in 1940 and 1941 carried out farming operations as tenants

1 or sharecroppers on cropland owned by the United States
2 Government and who complied with the terms and conditions
3 of the 1940 and 1941 agricultural conservation programs,
4 formulated pursuant to sections 7 to 17, inclusive, of the Soil
5 Conservation and Domestic Allotment Act, as amended, shall
6 be entitled to apply for and receive payments, or to retain
7 payments heretofore made, for their participation in said pro-
8 gram to the same extent as other producers, and wherever in
9 either of such years the acquisition of title to, or lease of,
10 any farm for use in the national-defense program caused the
11 producers to lose their interest in the crops planted thereon,
12 or the proceeds thereof, prior to the time of harvest, the
13 landlord, tenants, and sharecroppers on such farm in such
14 year shall be entitled to apply for and receive the payments
15 which they would have received under the agricultural con-
16 servation program for such year if they had been permitted to
17 retain their interest in such crops, or the proceeds thereof,
18 to the extent that it does not clearly appear that in connec-
19 tion with such acquisition full compensation was made for the
20 failure to receive such payments."

A BILL

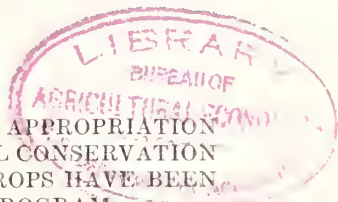
Amending the Department of Agriculture Appropriation Act, 1942, so as to provide for agricultural conservation program payments to farmers whose crops have been acquired under the national-defense program.

By Mr. SPENCER

NOVEMBER 27, 1941

Read twice and referred to the Committee on
Agriculture and Forestry

AMENDING THE DEPARTMENT OF AGRICULTURE APPROPRIATION ACT, 1942, SO AS TO PROVIDE FOR AGRICULTURAL CONSERVATION PROGRAM PAYMENTS TO FARMERS WHOSE CROPS HAVE BEEN ACQUIRED UNDER THE NATIONAL-DEFENSE PROGRAM



DECEMBER 4, 1941.— Ordered to be printed

Mr. SMITH, from the Committee on Agriculture and Forestry, submitted the following

REPORT

[To accompany S. 2077]

The Committee on Agriculture and Forestry, to whom was referred the bill (S. 2077) amending the Department of Agriculture Appropriation Act, 1942, so as to provide for agricultural conservation program payments to farmers whose crops have been acquired under the national-defense program, after having considered the same, report thereon favorably with the recommendation that the bill do pass with the following amendment:

On line 9 after the word "as", add the word "landlords".

A full explanation of the bill is incorporated in the Department of Agriculture's report on H. R. 5739, companion bill to S. 2077, which report is attached hereto and titled "Exhibit A."

EXHIBIT A

NOVEMBER 13, 1941.

Hon. H. P. FULMER,

Chairman, Committee on Agriculture, House of Representatives.

DEAR MR. FULMER: This is in reply to your letter of October 8 enclosing a copy of H. R. 5739, introduced on October 2 by Congressman Pace, of Georgia, and in which you asked for a report setting forth the Department's opinion with respect to this proposed legislation. This is a bill amending the Department of Agriculture Appropriation Act, 1942, so as to provide for agricultural conservation program payments to farmers whose crops have been acquired under the national-defense program.

Since the beginning of the national-defense program, the United States War Department, other departments of the Government, State, county, and municipal agencies, and private companies have acquired blocks of land of considerable sizes in various parts of the country for the construction of Army camps, airports, proving grounds, shell-loading plants, artillery ranges, factories, and other similar uses in connection with the national-defense program. It has been necessary, in many cases, that the land so acquired be put into use by the agency or company acquiring it almost immediately upon acquisition. In many instances, the lands

were acquired after farmers had planted their crops but before they were ready for harvest. It is our understanding that the crops were, in most cases, destroyed in order that the land could be made available for the use for which it was acquired. In other cases, the crops were destroyed or harvested by someone other than the farmer.

Section 8 (e) of the Soil Conservation and Domestic Allotment Act, as amended, provides, in pertinent part, as follows:

"Payments made by the Secretary to farmers under subsection (b) shall be divided among the landlords, tenants, and sharecroppers of any farm, with respect to which such payments are made, in the same proportion that such landlords, tenants, and sharecroppers are entitled to share in the proceeds of the agricultural commodity with respect to which such payments are made. * * *"

In conformity with that subsection, the 1938 and subsequent Agricultural Conservation Program Bulletins, including the 1940 and 1941 bulletins, have provided that, in order to be eligible for payment under the agricultural conservation program, the farmer applying for payment must have been entitled, as of the time of harvest, to share in the commodity, or proceeds thereof, with respect to which application for payment is made. The 1941 bulletin provides that the determination of the producers entitled, as of the time of harvest, to share in the crops, or proceeds thereof, on the farm shall be made at the time the county agricultural conservation committee approves the application for payment. Once this determination was made it would not be affected by subsequent changes in the status of producers on the farm. Due to the facts, however, that all performance under the conservation program must be determined prior to the time application for payment may be made, and that the application-for-payment form was not available, in most cases, prior to the time the farms and crops were acquired for national-defense purposes, very few, if any, applications were approved prior to the time the land and crops were acquired.

The division-of-payment rule has operated in cases where the farmer abandoned his crop, or otherwise lost title to it, prior to harvest to make his successor-in-interest, if he was a landlord, tenant, or sharecropper and harvested the crop, eligible for the share of the payment made with respect to the crop to which the farmer losing the crop would otherwise have been entitled. Under this rule, where the person acquiring the land and crops was the Federal Government, or some agency thereof, the payment with respect to such crops would not be made, but would be retained by the Government, since, under the Soil Conservation and Domestic Allotment Act, payments may be made only to agricultural producers.

In this connection, it may be pointed out that prior to the time section 8 (e) of the Soil Conservation and Domestic Allotment Act was made a part of the act by section 103 of the Agricultural Adjustment Act of 1938, approved February 16, 1933, a rule for dividing payments was adopted for the purposes of the 1938 program which permitted payments to be made to farmers who had laid by their crops, regardless of whether they subsequently harvested them. As that rule operated, many farmers received payments who abandoned their crops between the time of laying by the crops and the harvest thereof. Due to inequitable results in a considerable number of cases, State office representatives of the Agricultural Adjustment Administration recommended, and the original 1938 Agricultural Conservation Program Bulletin, issued October 23, 1937, provided that, for a farmer to be entitled to apply for payment with respect to any commodity, he must be entitled to share in the commodity, or proceeds thereof, at the time of harvest. When the Agricultural Adjustment Act of 1938 was enacted in February 1938, the statutory rule for dividing conservation payments which it contained was substantially identical with the rule contained in the original 1938 Agricultural Conservation Program Bulletin.

Enclosed is a copy of a letter dated August 27, 1941, addressed to Mr. M. Clifford Townsend, Director of Agricultural Defense Relations of this Department, from Mr. John J. O'Brien, Assistant Quartermaster General, United States War Department, in which Mr. O'Brien informs this Department that, in appraising the lands acquired by the War Department in connection with national defense, the loss of agricultural conservation payments is not taken into consideration. The Real Estate Field Manual, prepared by the Quartermaster General, as quoted in Mr. O'Brien's letter, specifically provides that "There is no authority to permit application of land acquisition funds toward Agricultural Adjustment Administration benefit payments."

It appears, therefore, that, under our interpretation of the present law, farmers whose lands and crops have been acquired in connection with the national-defense program are not eligible to receive payments under the agricultural conservation

programs and that such farmers have not received compensation from the acquiring agency or company for the loss of such payments. The Department believes that these farmers, who, in good faith, made adjustments and attempted to comply with the provisions of the agricultural conservation programs, should in all fairness be made eligible to receive the payments or be compensated for the loss of such payments. Your attention is invited to the fact that these farmers, if they had not cooperated in the agricultural conservation program would probably have grown much larger acreages of crops which the acquiring agency would necessarily have taken into consideration in appraising the land and crops. Accordingly, the Department recommends the enactment of H. R. 5739, which is designed to provide for payments under the 1940 and 1941 programs to landlords, tenants, and sharecroppers to the extent that full compensation has not been made to them for the failure to receive such conservation payments.

Since performance on these farms was taken into consideration at the time the rates of payment for the programs were determined, the making of payments with respect to these farms will not require an additional appropriation.

In connection with parity payments, it may be pointed out that there is no statutory rule for dividing payments in the legislation authorizing such payments or appropriating funds therefor. In view of the fact that performance under the parity payment programs depends upon compliance with acreage allotments determined under the agricultural conservation programs, it has been the administrative policy to adopt the same division of payment rule which is applicable to the conservation programs. Accordingly, it is believed that, if legislation is approved which would authorize the making of 1940 and 1941 conservation payments to farmers whose lands and crops have been acquired in connection with the national-defense program, the regulations pertaining to the 1940 and 1941 parity payment programs can be changed to permit 1940 and 1941 parity payments to such farmers without any enabling legislation.

The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely,

CLAUDE R. WICKARD, *Secretary.*

AUGUST 27, 1941.

MR. M. CLIFFORD TOWNSEND,
*Director, Office of Agricultural Defense Relations,
United States Department of Agriculture, Washington, D. C.*

DEAR MR. TOWNSEND: In answer to your memorandum dated August 20, 1941, requesting a statement as to the current policy of the War Department in regard to payments made under the agricultural conservation program, there is indicated below an excerpt from the Real Estate Field Manual prepared by this Office:

"4. *Growing crops.*—(a) Where growing crops are encountered on lands to be acquired, such crops will be appraised in (a) separate report to accompany the regular appraisal report (Form QM-RE 24).

"(b) The crop appraisal will identify the crops and report the estimated yield of each and the price per unit, based upon current local prices for the commodities, less cost of bringing to maturity, harvesting and delivery to available markets. In determining the appraisal, reference should be had to the local county agent, Agricultural Adjustment Administration, and agricultural committee.

"(c) Since it cannot always be definitely determined at the date of appraisal whether or not the operators will be permitted to harvest the crops, the expected harvest period will be reported in order that it may be later determined that crops cannot be harvested and that compensation for the crops is necessary. Wherever possible, farm operators should be permitted to harvest all crops in order to eliminate the cost to the Government.

"(d) In those cases where lands have merely been prepared for planting, the expense thereof will be reflected in the appraisal report covering the value of the land.

"(e) There is no authority to permit application of land acquisition funds toward Agricultural Adjustment Administration benefit payments."

For the Quartermaster General:

Very truly yours,

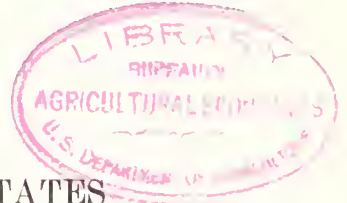
JOHN J. O'BRIEN, *Assistant.*

Calendar No. 887

77TH CONGRESS
1ST SESSION

S. 2077

[Report No. 855]



IN THE SENATE OF THE UNITED STATES

NOVEMBER 27, 1941

Mr. SPENCER introduced the following bill; which was read twice and referred to the Committee on Agriculture and Forestry

DECEMBER 4, 1941

Reported by Mr. SMITH, with an amendment

[Insert the part printed in *italic*]

A BILL

Amending the Department of Agriculture Appropriation Act, 1942, so as to provide for agricultural conservation program payments to farmers whose crops have been acquired under the national-defense program.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the last proviso under the head "Conservation and Use
4 of Agricultural Land Resources, Department of Agriculture"
5 in the Department of Agriculture Appropriation Act, 1942
6 (Public Law 144, Seventy-seventh Congress, approved July
7 1, 1941), is amended to read as follows: "*Provided further,*
8 That notwithstanding any other provision of law, persons who
9 in 1940 and 1941 carried out farming operations as *land-*

1 *lords*, tenants, or sharecroppers on cropland owned by the
2 United States Government and who complied with the terms
3 and conditions of the 1940 and 1941 agricultural conserva-
4 tion programs, formulated pursuant to sections 7 to 17,
5 inclusive, of the Soil Conservation and Domestic Allotment
6 Act, as amended, shall be entitled to apply for and receive
7 payments, or to retain payments heretofore made, for their
8 participation in said program to the same extent as other
9 producers, and wherever in either of such years the acquisi-
10 tion of title to, or lease of, any farm for use in the national-
11 defense program caused the producers to lose their interest
12 in the crops planted thereon, or the proceeds thereof, prior
13 to the time of harvest, the landlord, tenants, and sharecrop-
14 pers on such farm in such year shall be entitled to apply
15 for and receive the payments which they would have re-
16 ceived under the agricultural conservation program for such
17 year if they had been permitted to retain their interest in
18 such crops, or the proceeds thereof, to the extent that it
19 does not clearly appear that in connection with such acquisi-
20 tion full compensation was made for the failure to receive
21 such payments."

77TH CONGRESS
1ST Session

S. 2077

[Report No. 855]

A BILL

Amending the Department of Agriculture Appropriation Act, 1942, so as to provide for agricultural conservation program payments to farmers whose crops have been acquired under the national-defense program.

By Mr. SPENCER

NOVEMBER 27, 1941

Read twice and referred to the Committee on
Agriculture and Forestry

DECEMBER 4, 1941

Reported with an amendment

CONSERVATION PAYMENTS TO FARMERS FOR CROPS ACQUIRED UNDER NATIONAL-DEFENSE PROGRAM

DECEMBER 5, 1941.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. PACE, from the Committee on Agriculture, submitted the following

REPORT

[To accompany H. R. 5739]

The Committee on Agriculture, to whom was referred the bill (H. R. 5739) amending the Department of Agriculture Appropriation Act, 1942, so as to provide for agricultural conservation program payments to farmers whose crops have been acquired under the national-defense program, having considered the same, report thereon with a recommendation that it do pass.

STATEMENT

The purposes of the proposed legislation and the need of its enactment are shown by the following letter from the Secretary of Agriculture:

DEPARTMENT OF AGRICULTURE,
Washington, November 12, 1941.

Hon. H. P. FULMER,
*Chairman, Committee on Agriculture,
House of Representatives.*

DEAR MR. FULMER: This is in reply to your letter of October 8 enclosing a copy of H. R. 5739, introduced on October 2 by Congressman Pace, of Georgia, and in which you asked for a report setting forth the Department's opinion with respect to this proposed legislation. This is a bill amending the Department of Agriculture Appropriation Act, 1942, so as to provide for agricultural conservation program payments to farmers whose crops have been acquired under the national-defense program.

Since the beginning of the national-defense program, the United States War Department, other Departments of the Government, State, county, and municipal agencies, and private companies have acquired blocks of land of considerable sizes in various parts of the country for the construction of Army camps, airports, proving grounds, shell-loading plants, artillery ranges, factories, and other similar uses in connection with the national-defense program. It has been necessary, in many cases, that the land so acquired be put into use by the agency or company acquiring it almost immediately upon acquisition. In many instances, the lands

were acquired after farmers had planted their crops but before they were ready for harvest. It is our understanding that the crops were, in most cases, destroyed in order that the land could be made available for the use for which it was acquired. In other cases, the crops were destroyed or harvested by someone other than the farmer.

Section 8 (e) of the Soil Conservation and Domestic Allotment Act, as amended, provides, in pertinent part, as follows:

"Payments made by the Secretary to farmers under subsection (b) shall be divided among the landlords, tenants, and sharecroppers of any farm, with respect to which such payments are made, in the same proportion that such landlords, tenants, and sharecroppers are entitled to share in the proceeds of the agricultural commodity with respect to which such payments are made * * *."

In conformity with that subsection, the 1938 and subsequent Agricultural Conservation Program Bulletins, including the 1940 and 1941 bulletins, have provided that, in order to be eligible for payment under the agricultural conservation program, the farmer applying for payment must have been entitled, as of the time of harvest, to share in the commodity, or proceeds thereof, with respect to which application for payment is made. The 1941 bulletin provides that the determination of the producers entitled, as of the time of harvest, to share in the crops, or proceeds thereof, on the farm shall be made at the time the county agricultural conservation committee approves the application for payment. Once this determination was made it would not be affected by subsequent changes in the status of producers on the farm. Due to the facts, however, that all performance under the conservation program must be determined prior to the time application for payment may be made, and that the application for payment form was not available, in most cases, prior to the time the farms and crops were acquired for national-defense purposes, very few, if any, applications were approved prior to the time the land and crops were acquired.

The division of payment rule has operated in cases where the farmer abandoned his crop, or otherwise lost title to it, prior to harvest to make his successor in interest, if he was a landlord, tenant, or sharecropper and harvested the crop, eligible for the share of the payment made with respect to the crop to which the farmer losing the crop would otherwise have been entitled. Under this rule, where the person acquiring the land and crops was the Federal Government, or some agency thereof, the payment with respect to such crops would not be made, but would be retained by the Government; since, under the Soil Conservation and Domestic Allotment Act payments may be made only to agricultural producers.

In this connection, it may be pointed out that prior to the time section 8 (e) of the Soil Conservation and Domestic Allotment Act was made a part of the act by section 103 of the Agricultural Adjustment Act of 1938, approved February 16, 1938, a rule for dividing payments was adopted for the purposes of the 1936 program which permitted payments to be made to farmers who had laid by their crops, regardless of whether they subsequently harvested them. As that rule operated, many farmers received payments who abandoned their crops between the time of laying by the crops and the harvest thereof. Due to inequitable results in a considerable number of cases, State office representatives of the Agricultural Adjustment Administration recommended, and the original 1938 Agricultural Conservation Program Bulletin, issued October 23, 1937, provided that, for a farmer to be entitled to apply for payment with respect to any commodity, he must be entitled to share in the commodity, or proceeds thereof, at the time of harvest. When the Agricultural Adjustment Act of 1938 was enacted in February 1938, the statutory rule for dividing conservation payments which it contained was substantially identical with the rule contained in the original 1938 Agricultural Conservation Program Bulletin.

Enclosed is a copy of a letter dated August 27, 1941, addressed to Mr. M. Clifford Townsend, Director of Agricultural Defense Relations of this Department, from Mr. John J. O'Brien, Assistant Quartermaster General, United States War Department, in which Mr. O'Brien informs this Department that, in appraising the lands acquired by the War Department in connection with national defense, the loss of agricultural conservation payments is not taken into consideration. The Real Estate Field Manual prepared by the Quartermaster General, as quoted in Mr. O'Brien's letter, specifically provides that "There is no authority to permit application of land acquisition funds toward Agricultural Adjustment Administration benefit payments."

It appears, therefore, that, under our interpretation of the present law, farmers whose lands and crops have been acquired in connection with the national defense program are not eligible to receive payments under the agricultural conservation

programs and that such farmers have not received compensation from the acquiring agency or company for the loss of such payments. The Department believes that these farmers, who, in good faith, made adjustments and attempted to comply with the provisions of the agricultural conservation programs, should in all fairness be made eligible to receive the payments or be compensated for the loss of such payments. Your attention is invited to the fact that these farmers, if they had not cooperated in the agricultural conservation program, would probably have grown much larger acreages of crops which the acquiring agency would necessarily have taken into consideration in appraising the land and crops. Accordingly, the Department recommends the enactment of H. R. 5739 which is designed to provide for payments under the 1940 and 1941 programs to landlords, tenants, and sharecroppers to the extent that full compensation has not been made to them for the failure to receive such conservation payments.

Since performance on these farms was taken into consideration at the time the rates of payment for the programs were determined, the making of payments with respect to these farms will not require an additional appropriation.

In connection with parity payments, it may be pointed out that there is no statutory rule for dividing payments in the legislation authorizing such payments or appropriating funds therefor. In view of the fact that performance under the parity-payment programs depends upon compliance with acreage allotments determined under the agricultural conservation programs, it has been the administrative policy to adopt the same division of payment rule which is applicable to the conservation programs. Accordingly, it is believed that, if legislation is approved which would authorize the making of 1940 and 1941 conservation payments to farmers whose lands and crops have been acquired in connection with the national-defense program, the regulations pertaining to the 1940 and 1941 parity-payment programs can be changed to permit 1940 and 1941 parity payments to such farmers without any enabling legislation.

The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely,

CLAUDE R. WICKARD, *Secretary*.

CHANGES IN EXISTING LAW

In compliance with paragraph 2a of rule XIII of the Rules of the House of Representatives, changes in the Department of Agriculture Appropriation Act, 1942, made by the bill are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

[Public Law 144—77th Congress]

CONSERVATION AND USE OF AGRICULTURAL LAND RESOURCES, DEPARTMENT OF AGRICULTURE

* * * *Provided further*, That notwithstanding any other provision of law, persons who in 1940 and 1941 carried out farming operations as tenants or sharecroppers on cropland owned by the United States Government and who complied with the terms and conditions of the 1940 and 1941 agricultural conservation programs, formulated pursuant to sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, shall be entitled to apply for and receive payments, or to retain payments heretofore made, for their participation in said program to the same extent as other producers[.], and wherever in either of such years the acquisition of title to, or lease of, any farm for use in the national-defense program caused the producers to lose their interest in the crops planted thereon, or the proceeds thereof, prior to the time of harvest, the landlord, tenants, and sharecroppers on such farm in such year shall be entitled to apply for and receive the payments which they would have received under the agricultural conservation program for such year if they had been permitted to retain their interest in such crops, or the proceeds thereof, to the extent that it does not clearly appear that in connection with such acquisition full compensation was made for the failure to receive such payments.

Union Calendar No. 501

77TH CONGRESS
1ST SESSION

H. R. 5739

[Report No. 1477]

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 2, 1941

Mr. PACE introduced the following bill; which was referred to the Committee on Agriculture

DECEMBER 5, 1941

Committed to the Committee of the Whole House on the state of the Union
and ordered to be printed

A BILL

Amending the Department of Agriculture Appropriation Act, 1942; so as to provide for agricultural conservation program payments to farmers whose crops have been acquired under the national-defense program.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the last proviso under the head "Conservation and Use
4 of Agricultural Land Resources, Department of Agriculture"
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6 (Public Law 144, Seventy-seventh Congress, approved July
7 1, 1941), is amended to read as follows: "*Provided further,*
8 That notwithstanding any other provision of law, persons
9 who in 1940 and 1941 carried out farming operations as



1 tenants or sharecroppers on cropland owned by the United
2 States Government and who complied with the terms and
3 conditions of the 1940 and 1941 agricultural conservation
4 programs, formulated pursuant to sections 7 to 17, inclusive,
5 of the Soil Conservation and Domestic Allotment Act, as
6 amended, shall be entitled to apply for and receive payments,
7 or to retain payments heretofore made, for their participation
8 in said program to the same extent as other producers, and
9 wherever in either of such years the acquisition of title to,
10 or lease of, any farm for use in the national-defense program
11 caused the producers to lose their interest in the crops planted
12 thereon, or the proceeds thereof, prior to the time of harvest,
13 the landlord, tenants, and sharecroppers on such farm in such
14 year shall be entitled to apply for and receive the payments
15 which they would have received under the agricultural con-
16 servation program for such year if they had been permitted
17 to retain their interest in such crops, or the proceeds thereof,
18 to the extent that it does not clearly appear that in connection
19 with such acquisition full compensation was made for the
20 failure to receive such payments."

77TH CONGRESS
1ST SESSION

H. R. 5739

[Report No. 1477]

A BILL

Amending the Department of Agriculture Appropriation Act, 1942, so as to provide for agricultural conservation program payments to farmers whose crops have been acquired under the national-defense program.

By Mr. PAGE

OCTOBER 2, 1941

Referred to the Committee on Agriculture

DECEMBER 5, 1941

Committed to the Committee of the Whole House on the state of the Union and ordered to be printed

not utilize it as a direct appropriation to liquidate this relief for us, and have the amount left over covered into the Treasury?"

I know how severe has been the suffering. My section of the country was terribly stricken. I know what the Congress has done for storm sufferers and sufferers from insect pests in the West and in other places. This bill was drafted in good faith, and I was asked to present it and try to secure its passage by the Senate. A reading of the bill will disclose that it is very simple. It gives relief to those whom we need in our defense, now that the war is on us.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. SMITH. I yield.

Mr. BARKLEY. We appropriated \$212,000,000 to be used for parity payments to producers of various agricultural products, under the basic provisions of the Agricultural Act.

Mr. SMITH. Yes.

Mr. BARKLEY. Do I correctly understand that the bill would divert whatever is necessary of the \$212,000,000?

Mr. SMITH. Apparently the Senator has not read the bill.

Mr. BARKLEY. It is impossible to read a bill on the call of the calendar when a question is raised about it.

Mr. SMITH. The bill provides that whatever portion of the parity payments to any given industry is not used for parity payments may be used to liquidate the proposed relief.

Mr. BARKLEY. When is it to be determined whether there would be anything left of the \$212,000,000 appropriated for parity payments? Who is to determine it, and when is it to be determined?

Mr. SMITH. As the Senator knows, the parity payments for 1941 are made in January, February, and March of 1942, after the crop has been ascertained.

Mr. BARKLEY. As a rule we have made special appropriations to aid certain groups of our people who have been damaged or injured by disaster of one kind or another. I do not recall that we have ever before used a general appropriation in order to pay special compensation for the benefit of all classes which come within the purview of the law.

Mr. SMITH. That is not contemplated. The amount available to the producers of each of the several articles who receive parity payments would depend upon the amount which was not used for such payments. For example, if there were \$60,000,000 for parity payments to the producers of wheat, and the price of wheat were such that only \$1,000,000 were used, \$59,000,000 would be available for the relief of wheat producers.

I know that the impression has been current that I am pleading for the South and for cotton. According to the testimony given, the people of New York are suffering just as much as we are.

Mr. President, in response to what the Senator from Kentucky has said, let me say that this group of farmers is trying to save an appropriation by saying, "The money has already been appropriated.

It will not be used. Let us use it to liquidate the relief you give us." That is all.

Mr. McNARY. Mr. President, I do not care to go into a discussion of the merits or demerits of the bill. It offends the rule. I try to follow the rules of procedure of the Senate. The Senator from South Carolina has referred to cotton. No one has helped the cotton farmers more than has the Senator from Oregon.

This bill applies to a particular section of the country. If it were a bill of general application, the situation might be different. I think I could apply the objectives of the bill to very many sections of the country—indeed, to the whole Nation.

I want to deal kindly with the farmers, but not in the way proposed by the bill. If we should follow the suggested course, I am sure that we would never reach the point where the money would be available. For many years we have applied a program to fit such cases. I do not want to see a departure from it. I feel sure that the bill would never reach its destination.

I wish to help the Senator. I do not wish to advise him, because he probably would not accept my advice. However, I am sincere when I say that my interest in agriculture is very deep and certain.

I am sure that the bill does not look in the right direction. I am sure that it would establish a precedent which could not be followed. It would embarrass future legislation. To pass it at this time by unanimous consent is certainly not in accord with the consideration which should be given to such an important proposal. It was only because of the fact that my attention was distracted for a moment that the bill was passed. I know what the rule is. I ask unanimous consent that the bill be restored to the calendar. Otherwise I shall move to reconsider the vote by which the bill was passed, which would be just as effective as the other method.

Mr. SMITH. Mr. President, I prefer to have the Senator move to reconsider.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Oregon?

Mr. McNARY. Mr. President, I am not making a unanimous-consent request. I move that the vote by which the bill was passed be reconsidered, and that the bill be restored to the calendar.

The PRESIDING OFFICER. The question is on the motion of the Senator from Oregon.

The motion was agreed to.

The PRESIDING OFFICER. Is there objection to the present consideration of Calendar No. 886, Senate bill 2076?

Mr. McNARY. I object to its consideration.

The PRESIDING OFFICER. The Senator from Oregon objects.

WATERS OF REPUBLICAN RIVER—INTER-STATE COMPACT

Mr. JOHNSON of Colorado. Mr. President, I ask unanimous consent to revert to Calendar No. 874, which is Senate bill 1361.

The PRESIDING OFFICER. The Chair will inform the Senator from Colo-

rado that Calendar No. 898, House bill 5945, was the measure which was passed, having been substituted for Calendar No. 874, Senate bill 1361. It was House bill 5945 on which the Senate took action.

Mr. JOHNSON of Colorado. Calendar No. 898 is the bill to which I desire to refer, but we have not yet reached that bill on the calendar.

The PRESIDING OFFICER. By unanimous consent it was substituted for Calendar No. 874, Senate bill 1361, which was indefinitely postponed.

Mr. JOHNSON of Colorado. I ask unanimous consent that we revert to Calendar No. 874 and to the substitution which was made for the bill bearing that calendar number.

The PRESIDING OFFICER. The Chair understands the Senator from Colorado to ask unanimous consent to revert to Calendar Nos. 874 and 898.

Mr. JOHNSON of Colorado. That is correct.

The PRESIDING OFFICER. Calendar No. 874, Senate bill 1361, the Chair will state to the Senator from Colorado, has been indefinitely postponed by unanimous consent of the Senate.

Mr. JOHNSON of Colorado. That is why I want to revert to the bill bearing that calendar number, so that I can object to the action taken by the Senate. I desire to object to the action which was taken on Calendar No. 874 and the action taken on Calendar No. 898.

The PRESIDING OFFICER. The Senator from Colorado asks unanimous consent that the action of the Senate in indefinitely postponing Calendar No. 874, Senate bill 1361, be vacated, and at the same time asks unanimous consent that the action by which the Senate passed Calendar No. 898, House bill 5945, be vacated. Has the Chair correctly stated the request of the Senator from Colorado?

Mr. JOHNSON of Colorado. Yes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Colorado? The Chair hears none. Without objection, the clerk will read Calendar No. 874, Senate bill 1361, by its title.

The CHIEF CLERK. A bill granting the consent of Congress to a compact to be entered into by the States of Colorado, Kansas, and Nebraska with respect to the use of the waters of the Republican River Basin.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. NORRIS. Mr. President, of course it is quite evident that there will not be any objection to the request of the Senator from Colorado. I assumed he was here when action was taken upon the House bill, but I readily consent to having it restored to the calendar.

I should like to call the attention of the Chair and the Senate to Calendar No. 874, which is Senate bill 1361, and to the other bill, House bill 5945, which has passed the House of Representatives, both of which would have the same effect. It would be perfectly idle to pass the Senate bill and send it to the House, when the House has passed a similar bill which is now on the Senate Calendar.

We shall never get anywhere by following such parliamentary procedure. The Senate should take up the House bill, as I think the Senator from Colorado will concede. I will not try to have the bill passed by unanimous consent; I concede that controversy would ensue which would take more time than we could well devote to the matter now. However, I do insist that what we should take up is the House bill, because that is the only way by which to reach a conclusion of the matter.

Mr. JOHNSON of Colorado. Mr. President, the Senator from Colorado and those who are in favor of the Senate bill will have no objection to taking up the House bill if it is agreed to strike from the House bill section 2, on page 11.

Mr. NORRIS. I would not consent to that.

Mr. JOHNSON of Colorado. Of course, that is the difference between us.

Mr. NORRIS. But when we take up the House bill the Senator will have a perfect right to make a motion to accomplish the change he suggests.

Mr. JOHNSON of Colorado. The Senator from Colorado will object to the provision referred to; and when the bill comes up in the regular way we can act upon it in accordance with the wishes of the Senate.

Mr. NORRIS. But the House bill is the only one the Senate should consider, because, out of courtesy to the House, and in view of the parliamentary situation, in order to reach a conclusion the two Houses must be brought together. We cannot do so if we pass separate bills in each case.

Mr. JOHNSON of Colorado. Yes; and this body cannot get the two Houses of Congress together. We had better pass the bill we want and let the matter be settled in conference between the two Houses.

Mr. BARKLEY. Will the Senator from Nebraska yield?

Mr. NORRIS. I yield.

Mr. BARKLEY. The bill may be taken up, subject to having any amendment offered.

Mr. NORRIS. Certainly.

Mr. BARKLEY. Of course, if the Senate bill were substituted for the House bill, it would have to go to conference.

Mr. NORRIS. Exactly.

Mr. JOHNSON of Colorado. Mr. President, I desire to object to the substitution of the House bill for the Senate bill; and if the Senator from Nebraska insists upon that action being taken now, I object to consideration of Calendar No. 874, Senate bill 1361, and that will dispose of the whole matter, I understand.

Mr. NORRIS. Very well.

The PRESIDING OFFICER. Objection is heard. The clerk will state the next order of business on the calendar.

PAYMENTS FOR CROPS ACQUIRED UNDER NATIONAL-DEFENSE PROGRAM

The Senate proceeded to consider the bill (S. 2077) amending the Department of Agriculture Appropriation Act, 1942, so as to provide for agricultural conservation-program payments to farmers whose crops have been acquired under the national-defense program, which

had been reported from the Committee on Agriculture and Forestry, with an amendment, on page 1, line 9, after the word "as", at the end of the line, to insert the word "landlords," so as to make the bill read:

Be it enacted, etc., That the last proviso under the head "Conservation and Use of Agricultural Land Resources, Department of Agriculture" in the Department of Agriculture Appropriation Act, 1942 (Public Law 144, 77th Cong., approved July 1, 1941), is amended to read as follows: "Provided further, That notwithstanding any other provision of law, persons who in 1940 and 1941 carried out farming operations as landlords, tenants, or sharecroppers on cropland owned by the United States Government and who complied with the terms and conditions of the 1940 and 1941 agricultural conservation programs, formulated pursuant to sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, shall be entitled to apply for and receive payments, or to retain payments heretofore made, for their participation in said program to the same extent as other producers, and wherever in either of such years the acquisition of title to, or lease of, any farm for use in the national-defense program caused the producers to lose their interest in the crops planted thereon, or the proceeds thereof, prior to the time of harvest, the landlord, tenants, and sharecroppers on such farm in such year shall be entitled to apply for and receive the payments which they would have received under the agricultural conservation program for such year if they had been permitted to retain their interest in such crops, or the proceeds thereof, to the extent that it does not clearly appear that in connection with such acquisition full compensation was made for the failure to receive such payments."

The amendment was agreed to.

Mr. McNARY. Let the bill go over for the day.

The PRESIDING OFFICER. The bill will be passed over.

LANDS IN OKLAHOMA FOR CHEYENNE-ARAPAHO INDIANS

The Senate proceeded to consider the bill (H. R. 5095) to set aside certain lands in Oklahoma for the Cheyenne-Arapaho Tribes of Indians, which had been reported from the Committee on Indian Affairs, with an amendment, on page 3, after line 5, to insert a new section, as follows:

SEC. 2. That any person duly enrolled as a member of an Indian tribe who received in pursuance of a tribal treaty or agreement with the United States an allotment of land which, by the terms of said treaty or agreement was exempted from taxation, restricted against alienation, or which by the terms of any act of Congress was continued under the supervision of the United States during the minority of such allottee, and from which land the restrictions have or have not been removed, and any such enrolled member of an Indian tribe having restricted money in the custody and control of the United States, prior to April 26, 1931, and who was required or permitted to pay any Federal income tax on such lands or on the rents, royalties, or other gains arising from such lands during such restricted or tax-exempt period or on income from such restricted funds while in the custody or control of the United States, or on income from any allotment during the minority of the allottee, or any such person who has been erroneously or illegally taxed by reason of not having claimed or received the benefit of any deductions or exemptions permitted by law, and who would be entitled under this or previous acts or rulings of the

Treasury Department in similar Indian cases to a refund of the taxes so illegally or erroneously collected, but for the fact that he failed to file a claim for such refund within the time prescribed by law, shall be allowed 2 years after the approval of this act within which to file such claim, and if otherwise entitled thereto he may recover such taxes in the same manner and to the same extent as if such claims for refund had been theretofore duly filed as required by law, it not being the policy of the Government to invoke or plead a statute of limitations to escape the obligations of agreement solemnly entered into with its Indian wards, or prior to April 26, 1931, to exact for its own use and benefit an income tax from them while their property continued under the supervision of the United States and/or during the minority of any such allottee: *Provided, however,* That in the case of the death of a member of an Indian tribe his heirs who succeeded to his allotment of lands be permitted to file claims and recover refunds in the same manner as duly enrolled member of an Indian tribe: *Provided further,* That in the case of the death of any enrolled member of an Indian tribe any such illegal taxes paid by him or on his account may in like manner be claimed and recovered by the person or persons who would have received such money had it constituted a part of his estate at the time of his death.

That all acts and parts of acts in conflict herewith are modified for the purpose, and only for the purpose, of carrying into effect the provisions hereof.

The amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "An act to set aside certain lands in Oklahoma for the Cheyenne-Arapaho Tribes of Indians; and to carry out certain obligations to certain enrolled Indians, under tribal agreement."

DISTRICT OF COLUMBIA BOARD OF PUBLIC WELFARE

The bill (S. 2047) to amend section 5 of the act entitled "An act to establish a Board of Public Welfare in and for the District of Columbia, to determine its functions, and for other purposes," approved March 16, 1926, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That section 5 of the act entitled "An act to establish a Board of Public Welfare in and for the District of Columbia, to determine its functions, and for other purposes," approved March 16, 1926, be, and the same is hereby, amended to read as follows:

"Sec. 5. That the Commissioners of the District of Columbia, upon the nomination of the Board, are hereby authorized to appoint a director of public welfare, which position is hereby authorized and created, who shall be the chief executive officer of the Board and shall be charged, subject to its general supervision, with the executive and administrative duties provided for in this act. The director shall be a person of such training, experience, and capacity as will especially qualify him or her to discharge the duties of the office. The director of public welfare may be discharged by the Commissioners of the District of Columbia upon recommendation of the Board. The Commissioners of the District of Columbia are authorized, upon the nomination of the Board, to appoint such personnel as may be

Dec. 11

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. RADCLIFFE. I move that the Senate insist upon its amendments, request a conference with the House thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. RADCLIFFE, Mr. BAILEY, and Mr. JOHNSON of California conferees on the part of the Senate.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed without amendment the joint resolution (S. J. Res. 117) removing restrictions on the territorial use of units and members of the Army of the United States, extending the periods of service of such personnel, and amending the National Defense Act with respect to the meaning of the term "Army of the United States."

ENROLLED JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled joint resolutions, and they were signed by the Vice President:

S. J. Res. 119. Joint resolution declaring that a state of war exists between the Government of Germany and the Government and the people of the United States and making provision to prosecute the same; and

S. J. Res. 120. Joint resolution declaring that a state of war exists between the Government of Italy and the Government and the people of the United States and making provision to prosecute the same

AMENDMENT OF LAW RELATING TO WHEAT-MARKETING QUOTAS

The PRESIDING OFFICER (Mr. BUNKER in the chair) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H. R. 5726) to amend Public Law No. 74 of the Seventy-seventh Congress, relating to wheat-marketing quotas under the Agricultural Adjustment Act of 1938, as amended, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. THOMAS of Oklahoma. I move that the Senate insist upon its amendments, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. SMITH, Mr. THOMAS of Oklahoma, Mr. BANKHEAD, and Mr. AIKEN conferees on the part of the Senate.

CONSERVATION-PROGRAM PAYMENTS TO FARMERS

Mr. SPENCER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 887, Senate bill 2077, relating to the agricultural conservation program payments to farmers.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 2077) amending the Department of Agriculture Appropriation Act, 1942, so as to provide for agricultural conservation program payments to farmers whose crops have been acquired under the national-defense program.

Mr. AUSTIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. McNARY. Mr. President, when the bill in question was reached on the calendar on Tuesday, I objected to its consideration, because the bill was not explained and I was not familiar with its objectives. I have discussed the matter with the able Senator from Arkansas [Mr. SPENCER] and find that its provisions will not result in extending our agricultural program in any way. The bill meets the situation regarding the expansion of areas for military purposes, as I understand. I think the able Senator from Vermont [Mr. AUSTIN] did not understand the situation, but I am satisfied the bill is a meritorious one and that it should pass. It was not passed yesterday on account of my objection to its consideration then. In fairness to the Senator from Arkansas, and to the Members of the Senate generally, I think I should make that statement, and upon that statement I ask that the order for the calling of the roll to ascertain the presence of a quorum, be vacated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BARKLEY. Mr. President, I wish to make an inquiry of the Senator from Arkansas. As I understand, the bill in no way modifies or infringes upon the agricultural program which we have adopted as a policy, nor upon the conservation program, but it applies particularly to farmers whose lands have been taken or may be taken by the Government in defense areas on which to construct factories or cantonments or training camps, and provides that the owners of such lands shall receive the conservation checks they would have received if the Government had not interfered with the ownership of their land, or the production and harvesting of their crops. Is that correct?

Mr. SPENCER. That statement is entirely correct.

Mr. BARKLEY. I understand the proposed legislation is recommended by the Department of Agriculture.

Mr. SPENCER. Yes; it is recommended by the Department of Agriculture and by the War Department.

Mr. McNARY. The bill provides for something which should be done in fairness to the farmer and to promote the national defense.

Mr. SPENCER. Under the present law certain practices must be followed in respect to the harvesting of crops. Now the Government comes in and takes certain lands on which farmers have growing crops, and they cannot harvest them. The Government cannot technically make the payments provided to be made, although the money has been set aside for that purpose. The proposed legislation would correct that situation.

The amounts in question have already been calculated.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill (S. 2077) amending the Department of Agriculture Appropriation Act, 1942, so as to provide for agricultural conservation program payments to farmers whose crops have been acquired under the national-defense program, which had been reported from the Committee on Agriculture and Forestry with an amendment, on page 1, line 9, after the words "operations as", to insert "landlords", so as to make the bill read:

Be it enacted, etc., That the last proviso under the head "Conservation and use of agricultural land resources, Department of Agriculture" in the Department of Agriculture Appropriation Act, 1942 (Public Law 144, 77th Cong., approved July 1, 1941), is amended to read as follows: "Provided further, That notwithstanding any other provision of law, persons who in 1940 and 1941 carried out farming operations as landlords, tenants, or sharecroppers on cropland owned by the United States Government and who complied with the terms and conditions of the 1940 and 1941 agricultural conservation programs, formulated pursuant to sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, shall be entitled to apply for and receive payments, or to retain payments heretofore made, for their participation in said program to the same extent as other producers, and wherever in either of such years the acquisition of title to, or lease of, any farm for use in the national-defense program caused the producers to lose their interest in the crops planted thereon, or the proceeds thereof, prior to the time of harvest, the landlord, tenants, and sharecroppers on such farm in such year shall be entitled to apply for and receive the payments which they would have received under the agricultural conservation program for such year if they had been permitted to retain their interest in such crops, or the proceeds thereof, to the extent that it does not clearly appear that in connection with such acquisition full compensation was made for the failure to receive such payments."

The amendment was agreed to.

The bill was ordered to be engrossed for a third meeting, read the third time, and passed.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. BUNKER in the chair) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF A COMMITTEE

The following favorable reports of nominations were submitted:

By Mr. McKELLAR, from the Committee on Post Offices and Post Roads:
Sundry postmasters.

The PRESIDING OFFICER. If there be no further reports of committees, the clerk will state the nominations on the calendar.

POSTMASTERS—NOMINATION PASSED OVER

The legislative clerk read the nomination of Jess H. Miller to be postmaster at Natona, Kans.

Mr. BARKLEY. Mr. President, on yesterday that nomination was passed over at the request, as I recall, of the junior Senator from Kansas [Mr. REED]. The Senator from Kansas is not on the floor at this moment. I suggest that the nomination go over again.

The PRESIDING OFFICER. The nomination will be passed over.

POSTMASTERS—NOMINATIONS CONFIRMED

The legislative clerk read sundry nominations of postmasters.

Mr. BARKLEY. I ask that the nominations of postmasters be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the postmaster nominations are confirmed en bloc.

THE ARMY

The legislative clerk proceeded to read sundry nominations in the Army.

Mr. BARKLEY. I ask that the nominations in the Army be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the Army nominations are confirmed en bloc.

Mr. BARKLEY. I ask unanimous consent that the President be immediately notified of the nominations this day confirmed.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

That concludes the Executive Calendar.

ADJOURNMENT

Mr. BARKLEY. As in legislative session, I move that the Senate adjourn.

The motion was agreed to; and (at 2 o'clock and 37 minutes p. m.) the Senate adjourned until tomorrow, Friday, December 12, 1941, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate December 11, 1941:

INTERSTATE COMMERCE COMMISSIONER

John Monroe Johnson, of South Carolina, to be an Interstate Commerce Commissioner for a term expiring December 31, 1943. (Reappointment.)

MEDICAL DIRECTORS IN THE UNITED STATES PUBLIC HEALTH SERVICE

The following-named senior surgeons to be medical directors in the United States Public Health Service, to rank as such from the dates set opposite their names:

Edward C. Ernst, January 15, 1942.

Peter J. Gorman, January 19, 1942.

APPOINTMENT TO TEMPORARY RANK IN THE REGULAR ARMY OF THE UNITED STATES

AIR CORPS

To be colonel

Lt. Col. Edwin Randolph Page, Air Corps.

To be lieutenant colonels

Capt. James Keller De Armond, Air Corps (temporary major, Air Corps; temporary major, Army of the United States).

Capt. Walter Llewellyn Wheeler, Air Corps (temporary major, Air Corps; temporary major, Army of the United States).

Capt. Norme D. Frost, Air Corps (temporary major, Air Corps; temporary major, Army of the United States).

Capt. Linus Dodge Frederick, Air Corps (temporary major, Air Corps; temporary major, Army of the United States).

To be majors

First Lt. George Lawrence Holcomb, Air Corps (temporary captain, Army of the United States).

First Lt. William Ray Clingerman, Jr., Air Corps (temporary captain, Army of the United States).

First Lt. Walter Eckman, Air Corps (temporary captain, Army of the United States).

APPOINTMENT FOR TEMPORARY SERVICE IN THE NAVY

To be rear admiral

Capt. Arthur S. Carpenter to be a rear admiral in the Navy, for temporary service, to rank from the 5th day of October 1941.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 11, 1941:

APPOINTMENT, BY TRANSFER, IN THE REGULAR ARMY

First Lt. Kenneth Alonzo Cunin, to Chemical Warfare Service.

PROMOTIONS IN THE REGULAR ARMY

(NOTE.—Those officers whose names are preceded by the symbol (X) are subject to examination required by law.)

To be colonels

Frederic Granville Munson, Judge Advocate General's Department.

X Carl Herndon Seals, Adjutant General's Department.

X Gordon Handy McCoy, Field Artillery.

X Robert Boyd Cole, Infantry.

Milton Hager Taulbee, Field Artillery.

Sidney Glenn Brown, Infantry.

George Clinton Donaldson, Infantry.

Joseph Hamilton Davidson, Infantry.

Russell Henry Brennan, Judge Advocate General's Department.

To be captain

Edwin Lankford Kirtley, chaplain, United States Army.

APPOINTMENTS IN THE REGULAR ARMY

To be first lieutenants

Walter Jacob Powers, Dental Corps.

Russell Martin Madison, Veterinary Corps.

James Clayton McIntyre, Veterinary Corps.

PROMOTIONS IN THE REGULAR ARMY

(NOTE.—Those officers whose names are preceded by the symbol (X) are subject to examination required by law. All officers listed below, with the exception of James Thomas Curry, Jr., Air Corps, and Earle J. Carpenter, Air Corps, now hold rank as temporary lieutenant colonel.)

To be lieutenant colonels

Mortimer Francis Sullivan, Cavalry.

Eggleston Westley Peach, Quartermaster Corps.

Leslie Dillon Carter, Cavalry.

Don Riley, Infantry.

Pembroke Augustine Brawner, Infantry.

Isaac Leonard Kitts, Field Artillery, with rank from December 4, 1941.

X Fred Charles Thomas, Quartermaster Corps, with rank from December 4, 1941.

X Merrill Deitz Mann, Air Corps, with rank from December 4, 1941.

Albert Carl Foulk, Air Corps, with rank from December 4, 1941.

Edward Vincent Harbeck, Jr., Air Corps, with rank from December 4, 1941.

Hubert Butler Bramlet, Chemical Warfare Service.

Edward Ernest Hildreth, Air Corps.

Samuel Gordon Frierson, Air Corps.

Phillips Melville, Air Corps.

John Gordon Williams, Air Corps.

Albert Brown Pitts, Air Corps.

Bernard Scott Thompson, Air Corps.

Willis Ratcliffe Taylor, Air Corps.

Robert Duane Knapp, Air Corps.

Louis Braswell Knight, Infantry.

X Lowell Allison Elliott, Chemical Warfare Service.

James Thomas Curry, Jr., Air Corps.

Harry Albert Fudge, Quartermaster Corps.

Burdette Mase Fitch, Adjutant General's Department.

William Bettencourt Souza, Air Corps.

Alfred Lindeburg, Air Corps.

Joseph Alexis Wilson, Air Corps.

Theodore Anton Baumeister, Quartermaster Corps.

Clements McMullen, Air Corps.

Ames Scribner Albrow, Air Corps.

Milo McCune, Air Corps.

Benjamin Buckles Cassiday, Air Corps.

Charles Yawkey Banfill, Air Corps.

Myron Ray Wood, Air Corps.

Robert Theodore Cronau, Air Corps.

Rex Walter Minckler, Signal Corps.

Frank Charles Peters, Quartermaster Corps.

William Joseph Gainey, Quartermaster Corps.

Lloyd Chartley Blackburn, Air Corps.

Edward Jenkins, Infantry.

William Campbell Goldsborough, Air Corps.

Roscoe Bonham, Philippine Scouts.

Walter Raymond Peck, Air Corps.

Leon Aurile White, Coast Artillery Corps.

Ephraim Preston Jolls, Coast Artillery Corps.

Walter Lee McCormick, Coast Artillery Corps.

Arnold Dante Amoroso, Coast Artillery Corps.

Clarence Omer Bell, Coast Artillery Corps.

Fred Brenning Waters, Coast Artillery Corps.

Arthur Girard Hamilton, Air Corps.

Charles Mellis Myers, Coast Artillery Corps.

Cyrus Quinton Shelton, Coast Artillery Corps.

Frederick Rockwell Chamberlain, Jr., Coast Artillery Corps.

Emil Charles Kiel, Air Corps.

Harold Lee George, Air Corps.

Lewis Allegeo Dayton, Air Corps.

Younger Arnold Pitts, Air Corps.

Howard Zabriskie Bogert, Air Corps.

Charles Roderick Mize, Finance Department.

Joseph Branson Canfield, Quartermaster Corps.

Emile Peter Antonovich, Quartermaster Corps.

Hans Christian Jespersen, Infantry.

Lyle Meredon Shields, Quartermaster Corps.

Harvey James Golithly, Infantry.

Charles Hale Dowman, Air Corps.

X Leonard Murphy, Infantry.

Edgar Baldwin Heylman, Infantry.

Thomas Welch Blackburn, Air Corps.

Thomas Haydon Davies, Infantry.

Claude Weaver Feagin, Cavalry.

Harry Francis Hanson, Infantry.

Lee Vyvian Harris, Field Artillery.

Harry Anton Johnson, Air Corps.

Bob Edward Nowland, Air Corps.

Barney McKinney Giles, Air Corps.

Roy Travis McLamore, Quartermaster Corps.

Bernard Joseph Tooher, Air Corps.

Claude Edward Duncan, Air Corps.

Albert Francis Hegenberger, Air Corps.

Max Frank Schneider, Air Corps.

Donald Gardner Stitt, Air Corps.

Richard Pegram Boykin, Quartermaster Corps.

Eugene Walter Lewis, Quartermaster Corps.

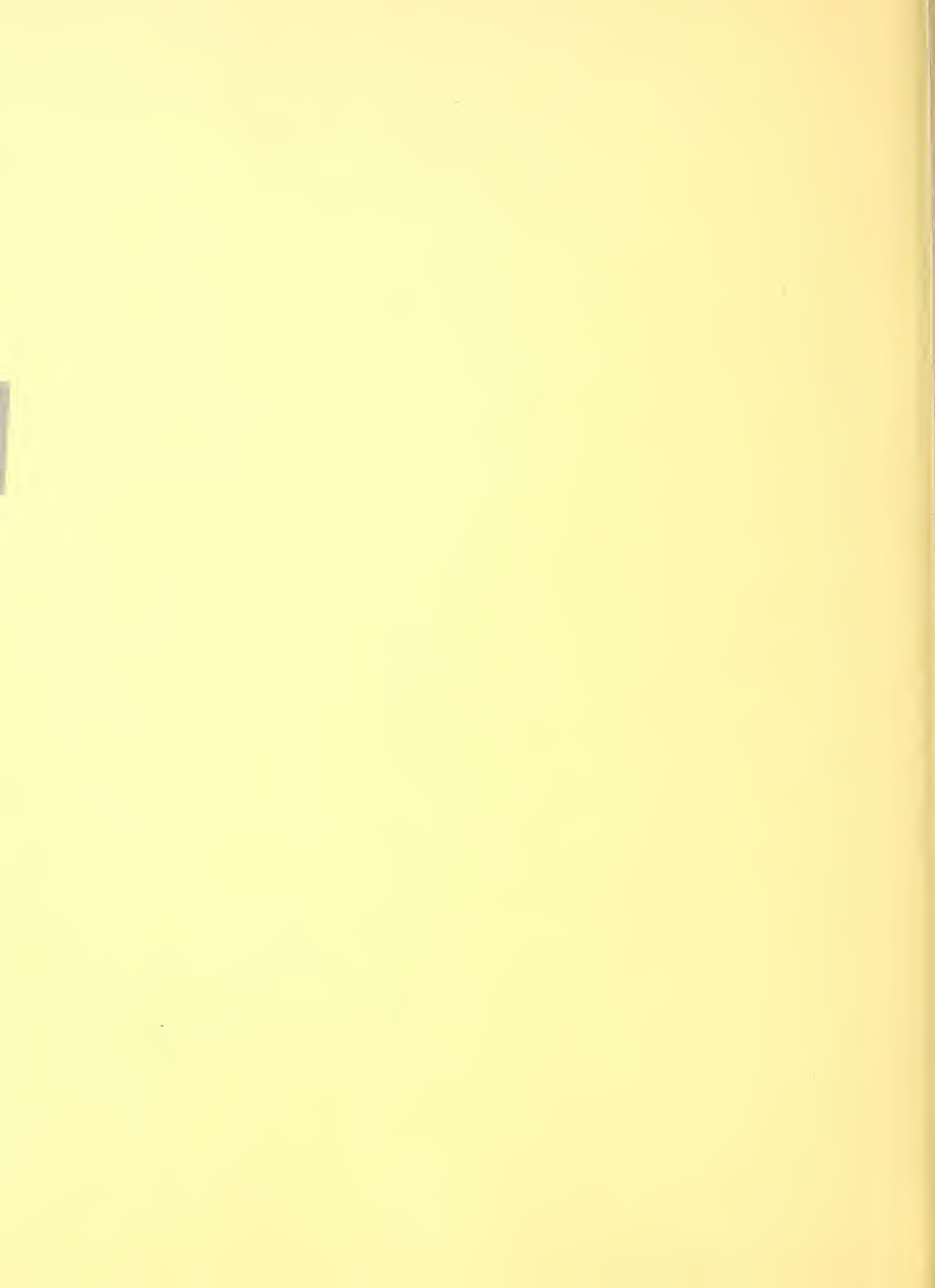
James Brian Edmunds, Quartermaster Corps.

Alexander Forest Dershimer, Quartermaster Corps.

Oscar William Koch, Cavalry.

Helmer Swenholt, Corps of Engineers.

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or utilities used in connection with war material, and for other purposes, approved April 20, 1918, as amended, is amended by inserting at the end thereof the following new section: "Sec. 7. Notwithstanding the maximum penalties provided in sections 2, 3, 5, and 6, in the case of a conviction of an offense under this act committed after the date this section takes effect, the person convicted shall be punished by death if the verdict of the jury shall so recommend."

With the following committee amendment:

Page 2, line 2, after the word "shall", insert "if such offense resulted in death or serious injury to any other person or placed any other person in grave danger of death or serious injury."

The committee amendment was agreed to.

Mr. KEAN. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KEAN: Page 1, line 8, insert before the word "Notwithstanding" "When the United States is at war."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title of the bill was amended to read: "A bill to provide for a discretionary penalty of punishment by death on conviction of willful sabotage against the national defense whenever such act causes or threatens death or serious injury to others."

COTTON-MARKETING QUOTAS

The Clerk called the next bill, S. 2035, to amend sections 345 and 347 of the Agricultural Adjustment Act of 1938 with respect to cotton-marketing quotas.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. AUGUST H. ANDRESEN. Mr. Speaker, I ask unanimous consent that the bill may be passed over without prejudice.

Mr. WOLCOTT. Mr. Speaker, reserving the right to object, may I ask the gentleman what the situation is in respect to this bill? Last week when the bill was called one of the Members asked that the bill be rereferred to the Committee on Agriculture. That was objected to. Is it expected that the bill will later be rereferred to the Committee on Agriculture?

Mr. AUGUST H. ANDRESEN. I may say to the gentleman from Michigan that the bill contemplates a referendum on a certain agricultural commodity to wit, cotton, so that when the farmers vote they may by referendum fix a quota for 3 years instead of 1 year. Just a few days ago the farmers voted by referendum on a quota for 1 year, so there is really no need for the legislation at the present time. It may be that the chairman has it in mind to rerefer the bill to the Committee on Agriculture.

Mr. PACE. Mr. Speaker, reserving the right to object, I have no objection to the bill's going over. The incident to which the gentleman from Minnesota referred was a unanimous-consent request for the consideration of the bill. That request was objected to by the gentleman from

Mississippi [Mr. RANKIN]. That terminated the matter. There was no effort to rerefer the bill to the Committee on Agriculture.

Mr. AUGUST H. ANDRESEN. Mr. Speaker, further reserving the right to object, does the gentleman from Georgia know any reason why the bill should not be stricken from the calendar?

Mr. PACE. The referendum was held day before yesterday, fixing the quota for 1 year. I do not think any special purpose would be served to consider the bill at this time, but I would rather not take the responsibility of saying that it could be stricken from the calendar.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota that the bill be passed over without prejudice?

There was no objection.

AMENDMENT TO PARAGRAPH 1793 OF THE TARIFF ACT OF 1930, AS AMENDED

The Clerk called the next bill, H. R. 1632, permitting free entry of articles imported by returning residents from certain countries on the basis of the frequency of use of the exemption rather than the length of visit abroad, and for other purposes.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WOLCOTT. Mr. Speaker, reserving the right to object, I understand that the Speaker is to recognize a member of the Ways and Means Committee to suspend the rules on this bill following the call of the calendar. For this reason, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan [Mr. WOLCOTT]?

Mr. ANDREWS. Mr. Speaker, I object.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Messrs. THOMAS F. FORD, SHORT, and BENNETT objected.

AMENDMENT TO THE GREAT PLAINS ACT

The Clerk called the next bill, H. R. 4648, to amend the act of August 11, 1939 (53 Stat. 1418) entitled "An act authorizing construction of water conservation and utilization projects in the Great Plains and arid and semiarid areas of the United States," as amended by the act of October 14, 1940 (54 Stat. 1119).

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COCHRAN. Mr. Speaker, I make the point of order that the report does not comply with the Ramseyer rule. It contains the original act and amendments to the act, but it does not print the proposed amendments to the act.

The SPEAKER pro tempore. The gentleman's point of order is premature, inasmuch as the bill is not now before the House for consideration. The Chair overrules the point of order.

Mr. SCHULTE. Mr. Speaker, reserving the right to object, the bill reads, "An

act authorizing construction of water conservation and utilization projects in the Great Plains and arid and semiarid areas of the United States." I want to go along with the gentleman from Missouri in what he said just a few moments ago. All we have to do is start authorizing and from there on the bills will start to come in.

Mr. CURTIS. Will the gentleman yield?

Mr. SCHULTE. I yield to the gentleman from Nebraska.

Mr. CURTIS. This bill is not an authorization, neither is it an appropriation. It provides some clarifying language for existing law and carries a limitation. It prescribes a method for expending money already appropriated and authorized. It does not increase any authorization.

Mr. SCHULTE. Will the gentleman answer this question then: Does that mean this will not cost the Government any more money; that is, no more funds are to be expended?

Mr. CURTIS. I think that is right.

Mr. SCHULTE. The gentleman will assure the House of that? If he does, I will withdraw my objection.

Mr. CURTIS. I think that is absolutely correct. It does not provide for an authorization.

Mr. SCHULTE. I know that.

Mr. COCHRAN. The act does provide for an authorization that you seek to amend.

Mr. CURTIS. Yes, but I do not seek to amend by increasing the authorization.

Mr. SCHULTE. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

Mr. COCHRAN. Mr. Speaker, reserving the right to object, I want to serve notice on the gentleman that the next time this bill is called up if the report does not comply with the Ramseyer rule I am going to insist on my point of order.

Mr. CURTIS. The report does conform to the Ramseyer rule. There was an early report filed that did not. It was called to my attention and a new report filed.

Mr. COCHRAN. The gentleman just handed me a report and I say the report he hands me does not comply with the Ramseyer rule.

Mr. CURTIS. I think it does.

Mr. CASE of South Dakota. Mr. Speaker, reserving the right to object, I assume that the request of the gentleman from Indiana is based upon the assumption that the proposed bill would create some authorization. The gentleman from Nebraska is correct in stating that this bill does not create a new authorization. There is an authorization in existing statutes. This bill seeks to place a limitation of \$500,000, as I understand it, upon an authorization that already exists; so rather than causing the Government to expend more money this definitely seeks to place a limitation upon a certain category for which authorization is presently existent.

Mr. COCHRAN. This bill, however, broadens the original act to give the Secretary of the Interior power to take in

other projects not now provided in the original act.

Mr. CASE of South Dakota. No. I think the gentleman is not correct because he will find that under existing law projects may be constructed which have flood-control features; but this amendment, as I understand it, specifically provides those flood-control features may not be in excess of \$500,000.

Mr. SCHULTE. Mr. Speaker, I renew my request.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana [Mr. SCHULTE]?

There was no objection.

AMENDMENT TO ORGANIC ACT OF VIRGIN ISLANDS

The Clerk called the next bill, H. R. 5925, to amend the organic act of the Virgin Islands of the United States, approved June 22, 1936.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the last sentence of section 20 of the organic act of the Virgin Islands of the United States, approved June 22, 1936 (49 Stat. 1807), is hereby amended by striking out the word "shall" in said sentence and inserting in lieu thereof the word "may," so that said sentence, as amended, will read as follows:

"He may attend or may depute another person to represent him at the meetings of the legislative authorities herein established, and may give expression to his views on any matter before such bodies."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

COPIES OF NATURALIZATION PAPERS OF PARENT TO BE ISSUED TO HIS OR HER CHILDREN

The Clerk called the next bill, H. R. 4489, to permit the courts of the United States and State courts to issue copies of naturalization certificates to all persons over 21 years of age who can show they are entitled to citizenship in the United States of America by the naturalization of their parent or husband.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHULTE. Mr. Speaker, reserving the right to object—and I shall not object, because I feel that the bill has a world of merit to it—I would like to have the gentleman from Illinois explain the bill. I believe he can do away with any objections that may be raised against this particular piece of legislation.

Mr. MASON. Mr. Speaker, the bill H. R. 4489 is one which simply permits the courts of the United States that have issued naturalization papers to aliens to issue copies of the same from their records under certain provisions and safeguards, and with heavy penalties, to the children of those aliens in order that they may show they have derived their citizenship from their parents' papers. That in substance is the bill.

Mr. JENKINS of Ohio. Reserving the right to object, Mr. Speaker, what kind of penalties are provided?

Mr. MASON. There is a penalty of \$5,000 and 5 years in jail for anyone,

either on the part of the court or the applicant or any witnesses, who knowingly certifies anything that is false.

Mr. JENKINS of Ohio. I presume the gentleman means that these certificates will issue under the regular processes of the court, through the clerk?

Mr. MASON. Yes.

Mr. COLE of New York. Further reserving the right to object, Mr. Speaker, in reading over the second section of this bill, with regard to the penalty, I see that the issuance of one of these certificates under certain conditions is made a felony. There seems to be an ambiguity as to who is subject to this penalty, which, as was explained by the gentleman from Illinois, is a rather severe one. I am not certain but that an innocent person might be made subject to the penalty. I have talked this matter over with the gentleman from Illinois and he has agreed that by the deletion of a couple of commas the intent of the committee will be made more clear.

Mr. DICKSTEIN. Mr. Speaker, will the gentleman yield?

Mr. COLE of New York. I yield to the gentleman from New York.

Mr. DICKSTEIN. The committee felt that that penalty would be proper in this case.

Mr. COLE of New York. I do not dispute the penalty at all.

Mr. DICKSTEIN. Then they would have to apply in the regular way to the courts.

Mr. COLE of New York. Let me refer the gentleman to the provisions of this section, which might very well be interpreted to read, "Any person who is a party to the issuance of one of these certificates is subject to the penalty."

Mr. DICKSTEIN. It is very simple.

Mr. COLE of New York. I am sure it is not the intent of the gentleman to subject an innocent person who may be a party to the issuance of such a certificate to a \$5,000 fine and imprisonment for 5 years.

Mr. DICKSTEIN. Under the bill, the Attorney General will make rules and regulations.

Mr. MASON. The correction that has been suggested is simply striking out the commas so that no one who is innocent would be punished, but anyone knowingly being a party to the fraudulent issuance of a certificate will be punished. This is simply an attempt to correct the grammatical construction.

Mr. DICKSTEIN. The committee would have no objection to that.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That any individual over 21 years of age, who is a resident of any State in the United States of America or the District of Columbia, who claims to have derived United States citizenship through the naturalization of a parent or husband, may, upon the payment of a fee of \$2, make application to the court, either State or Federal, where the original certificate of naturalization was issued, accompanied by two photographs of the applicant, for a copy of the naturalization certificate of his or her parent or husband, as the case may be. Upon proof to the satis-

faction of the said court that the applicant is a citizen; that the said applicant is a child of the said parent so formerly naturalized and was under 21 years of age at the time said parent secured such naturalization certificate and at the time resided in the United States of America, or that the applicant is the true and lawful wife of a person who has been formerly naturalized, then such person shall be issued a true and lawful copy of the naturalization certificate issued to his or her parent or husband, which shall be accepted by all courts, election boards, and departments of government as prima facie evidence of the citizenship of the person to whom such copy of naturalization certificate is issued.

Sec. 2. Any person who knowingly issues, or is a party to the issuance under section 1 of this act, any copy of such naturalization certificate as aforesaid, or falsely secures, makes affidavit, or certifies that an applicant for such copy of naturalization is a citizen, when the truth is otherwise, or any applicant knowingly, or having reason to believe that he is not a citizen, or not entitled to such a copy of naturalization certificate of his or her parent or husband, shall be guilty of a felony, and on conviction thereof shall be fined not more than \$5,000 or imprisoned not more than 5 years, or both.

Mr. COLE of New York. Mr. Speaker, I ask unanimous consent that on page 2, lines 18 and 19, the commas be deleted.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AGRICULTURAL CONSERVATION PROGRAM PAYMENTS

The Clerk called the next bill, H. R. 5739, amending the Department of Agriculture Appropriation Act, 1942, so as to provide for agricultural conservation program payments to farmers whose crops have been acquired under the national-defense program.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. PACE. Mr. Speaker, I ask unanimous consent that a similar Senate bill, S. 2077, be considered in lieu of the House bill.

Mr. COCHRAN. Reserving the right to object, Mr. Speaker, is the Senate bill the same as the House bill, or is it broader than the House bill?

Mr. PACE. It is word for word the same, with one typographical correction.

Mr. COCHRAN. This is about the first time your committees have been together at any time this year.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There being no objection, the Clerk read the Senate bill, as follows:

Be it enacted, etc., That the last proviso under the head "Conservation and use of agricultural land resources, Department of Agriculture," in the Department of Agriculture Appropriation Act, 1942 (Public Law 144, 77th Cong., approved July 1, 1941), is amended to read as follows: "Provided further, That notwithstanding any other provision of law, persons who in 1940 and 1941 carried out farming operations as landlord's, tenants, or sharecroppers on cropland owned

by the United States Government and who complied with the terms and conditions of the 1940 and 1941 agricultural conservation programs, formulated pursuant to sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, shall be entitled to apply for and receive payments, or to retain payments heretofore made, for their participation in said program to the same extent as other producers, and wherever in either of such years the acquisition of title to, or lease of, any farm for use in the national-defense program caused the producers to lose their interest in the crops planted thereon, or the proceeds thereof, prior to the time of harvest, the landlord, tenants, and sharecroppers on such farm in such year shall be entitled to apply for and receive the payments which they would have received under the agricultural conservation program for such year if they had been permitted to retain their interest in such crops, or the proceeds thereof, to the extent that it does not clearly appear that in connection with such acquisition full compensation was made for the failure to receive such payments."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H. R. 5739) was laid on the table.

COMMITTEE ON THE JUDICIARY

Mr. SUMNERS of Texas. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary may have until midnight tonight to file a report on H. R. 6233.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. COX. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until 12 o'clock tonight to file a rule on the bill to which the gentleman from Texas has just referred.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. SUMNERS of Texas. Mr. Speaker, I further ask unanimous consent that the Committee on the Judiciary be permitted to sit during the session of the House today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

CONSENT CALENDAR

EMPLOYMENT STABILIZATION

The Clerk called the next bill, H. R. 5638, to amend the Employment Stabilization Act of 1931.

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

AMENDMENT OF THE PAY READJUSTMENT ACT OF JUNE 10, 1922

The Clerk called the next bill, H. R. 4779, to amend the Pay Readjustment Act of June 10, 1922, so as to equalize the rates of pay of commissioned officers of corresponding grade and length of service.

Mr. SCHULTE. Mr. Speaker, at the request of the author of the bill I ask unanimous consent that this bill be stricken from the calendar, in view of the fact that, since the introduction of the bill, war has been declared and the bill now would be useless.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

ONE-HUNDREDTH ANNIVERSARY OF THE FOUNDING OF THE UNITED STATES NAVAL ACADEMY

The Clerk called the next business, Senate Joint Resolution 80, providing for the celebration in 1945 of the one-hundredth anniversary of the founding of the United States Naval Academy, Annapolis, Md.

Mr. COCHRAN. Mr. Speaker, this celebration would not occur until 1945, and I think we would be in a little hurry in passing a joint resolution of this character now, and, therefore, I object.

EXCHANGE OF CERTAIN LANDS IN MINNESOTA

The Clerk called the next bill, H. R. 4465, to authorize the exchange of certain lands in Minnesota.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is authorized to accept, on behalf of the United States, title to any lands owned by the State of Minnesota which are contiguous to or situated within the exterior boundaries of any national park or other Federal reservation under his jurisdiction, in exchange for any lands of equal value owned by the United States in the State of Minnesota, under the jurisdiction of either the Secretary of the Interior or the Secretary of Agriculture, and which are desired by such State.

SEC. 2. The Secretary of Agriculture is authorized to accept, on behalf of the United States, title to any lands owned by the State of Minnesota which are contiguous to or situated within the exterior boundaries of any national forest, land-use project under title III of the Bankhead-Jones Farm Tenant Act, or other Federal reservation under his jurisdiction, in exchange for any lands of equal value owned by the United States in the State of Minnesota, under the jurisdiction of either the Secretary of Agriculture or the Secretary of the Interior, and which are desired by such State.

SEC. 3. The Secretary of the Interior and the Secretary of Agriculture are authorized to make conveyances, on behalf of the United States, to the State of Minnesota of any lands under their respective jurisdictions to carry out the purposes of this act.

SEC. 4. The conveyance of any land by the State of Minnesota, under the provisions of this act, may be made subject to such reservations and conditions as such State shall prescribe, but such reservations and conditions shall be duly considered in determining the value of the lands for the purposes of making any exchange of lands under this act. Any exchange of lands under the provisions of this act shall be made only after a determination that such exchange will be in the public interest. Such determination may be made by the Secretary of the Interior if the lands to be conveyed by the United States are under his jurisdiction and the lands to be acquired by the United States are to be under his jurisdiction after their acquisition. Such determination may be made by the Secretary of Agriculture if the

lands to be conveyed by the United States are under his jurisdiction and the lands to be acquired by the United States are to be under his jurisdiction after their acquisition. In all other cases, such determination shall be made by the Secretary of the Interior and the Secretary of Agriculture, jointly.

SEC. 5. Lands acquired by the United States pursuant to any such exchange shall become a part of the national park, national forest, land utilization project, or other Federal reservation to which they may be contiguous or within the exterior boundaries of which they may be located.

With the following committee amendments:

Page 2, strike out, in lines 8 to 10, inclusive, the following wording: "under the jurisdiction of either the Secretary of Agriculture or the Secretary of the Interior, and which are desired by such State" and insert in lieu thereof the following new wording: "which are under the jurisdiction of the Secretary of Agriculture and where authority to convey title to such lands on behalf of the United States otherwise is vested by statute in the said Secretary of Agriculture; and the Secretary of the Interior is authorized to accept, on behalf of the United States, title to any lands owned by the State of Minnesota which are contiguous to or situated within the exterior boundaries of any national forest, land-use project under title III of the Bankhead-Jones Farm Tenant Act, or other Federal reservation under the jurisdiction of the Secretary of Agriculture, in exchange for any surveyed, unappropriated, and unreserved public lands of equal value owned by the United States, where authority to convey title to such lands on behalf of the United States otherwise is vested by statute in the Secretary of the Interior; the lands within the national forests so accepted by said Secretary of the Interior thereafter to be subject to the provisions of the act of February 1, 1905 (33 Stat. 628), in respect to the surveying, prospecting, locating, appropriating, entering, relinquishing, reconveying, certifying, or patenting of lands reserved from public domain."

Page 2, line 15, strike out the period at the end of the line and insert the following new wording: "Provided, That all conveyances of public domain in national forests shall be made by the Secretary of the Interior as provided for by the act of February 1, 1905 (33 Stat. 628)."

Page 2, line 19, after the word "prescribe" and the comma, insert the following new wording: "and the conveyance of any land by the United States, under the provisions of this act, may be made subject to such reservations and conditions as the United States shall prescribe."

Page 3, line 5, after the word "jurisdiction", insert the following new wording: "and are to be conveyed by him."

Page 3, line 14, strike out the period at the end of the line and insert the following new wording: "and shall be subject to the laws, rules, and regulations applicable thereto."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BLACK-OUTS IN THE DISTRICT OF COLUMBIA

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 6208) entitled "An act to authorize black-outs in the District of Columbia, and for other purposes," with Senate amendments, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 3, line 25, strike out all after "designate." over to and including "the" where it appears the first time in line 1, page 4, and insert "The."

Page 4, line 1, after "Commissioners", insert "of the District of Columbia."

Page 4, line 1, after "authorized", insert "and empowered."

Page 4, line 3, strike out all after "and" down to and including "necessary" in line 8.

Page 4, line 16, after "designate.", insert "There are hereby authorized to be appropriated, out of any money in the Treasury to the credit of the United States not otherwise appropriated, such sums as may be necessary to carry out the provisions of this section."

Page 4, strike out lines 17 to 24, inclusive, and insert:

"Sec. 9. The Commissioners of the District of Columbia are authorized and empowered, without regard to the provisions of any other law, and for defense purposes, to borrow money from the Treasury of the United States, to expend the same, to obligate the District of Columbia for the payment of equipment, materials, and supplies of all kinds, and to employ personnel as the Commissioners in their discretion may deem necessary, not exceeding \$1,000,000, and the said Commissioners are further authorized and empowered to use such regular employees of the Government of the District of Columbia as they deem necessary."

"The Secretary of the Treasury is hereby authorized to loan to the Commissioners of the District of Columbia such sum or sums as are authorized by this section."

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

H. R. 6109

Mr. KRAMER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill H. R. 6109.

The SPEAKER. The Chair suggests that the gentleman withhold that request for the moment.

The Chair recognizes the gentleman from California [Mr. BUCK].

FREE ENTRY OF ARTICLES IMPORTED BY RETURNING RESIDENTS

Mr. BUCK. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 1632) permitting free entry of articles imported by returning residents from certain countries on the basis of the frequency of use of the exemption rather than the length of visit abroad, and for other purposes, as amended.

The Clerk read the bill, as follows:

Be it enacted, etc., That paragraph 1798 of the Tariff Act of 1930, as amended (U. S. C., 1934 ed., Supp. V, title 19, sec. 1201, par. 1798), is hereby amended to read as follows:

"PAR. 1798. Wearing apparel, articles of personal adornment, toilet articles, and similar personal effects of persons arriving in the United States; but this exemption shall include only such articles as were actually owned by them and in their possession abroad at the time of or prior to their departure from a foreign country, and as are necessary and appropriate for the wear and use of such persons and are intended for such wear and use, and shall not be held to apply to merchandise or articles intended for other persons or for sale: *Provided*, That all jewelry and similar articles of personal adornment having a value of \$300 or more, brought in by a nonresident of the United States, shall, if sold within 3 years after the date of the arrival of such person in the United States, be

liable to duty at the rate or rates in force at the time of such sale, to be paid by such person: *Provided further*, That in case of residents of the United States returning from abroad all wearing apparel, personal and household effects, and in the case of individuals returning from abroad, all professional books, implements, instruments, and tools of trade, occupation, or employment, taken by them out of the United States to foreign countries shall be admitted free of duty, without regard to their value, upon their identity being established under appropriate rules and regulations to be prescribed by the Secretary of the Treasury: *Provided further*, That up to but not exceeding \$100 in value of articles (including distilled spirits, wines, and malt liquors aggregating not more than 1 wine-gallon and including not more than 100 cigars) acquired abroad by such residents of the United States as an incident of the foreign journey for personal or household use or as souvenirs or curios, but not bought on commission or intended for sale, shall be free of duty: *Provided further*, That in the case of articles acquired in any country other than a contiguous country which maintains a free zone or free port, the exemption authorized by the preceding proviso shall apply only to articles so acquired by a returning resident who has remained beyond the territorial limits of the United States for a period of not less than 48 hours: *Provided further*, That the exemption authorized by the second preceding proviso shall apply only to articles declared in accordance with regulations to be prescribed by the Secretary of the Treasury by a returning resident who has not taken advantage of the said exemption within the 30-day period (or such other period as may be prescribed in accordance with the next following proviso) immediately preceding his return to the United States: *Provided further*, That in the case of residents of the United States arriving from a contiguous country which maintains a free zone or free port, the Secretary may by special regulation or instruction, the application of which may be restricted to one or more individual ports of entry, provide that the exemption authorized by the third preceding proviso shall be applied only to articles declared in accordance with said regulations by a returning resident who has not taken advantage of the said exemption in the same customs district within such period (not less than 30 days nor more than 6 months) immediately preceding his return to the United States as the Secretary may deem necessary to specify in the public interest or to facilitate enforcement at the specified port or ports of the requirement that the exemption shall apply only to articles acquired as an incident of the foreign journey: *And provided further*, That all articles exempted by this paragraph from the payment of duty shall also be exempt from the payment of any internal-revenue taxes."

Mr. THOMAS F. FORD. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second is considered as ordered.

There was no objection.

The SPEAKER. The gentleman from California [Mr. BUCK] is recognized for 20 minutes and the gentleman from California [Mr. THOMAS F. FORD] will be recognized for 20 minutes.

Mr. BUCK. Mr. Speaker, I yield myself 10 minutes and reserve the balance of my time.

Mr. Speaker, I may say, first of all, for the information of the House that the amendment proposed by the Committee on Ways and Means is entirely a clerical amendment. As introduced, the bill spoke of the Tariff Act of 1920, when it should have referred to the Tariff Act of 1930. This is the entire purpose of the

amendment. So we will get rid of that first of all.

Mr. Speaker, I wish to explain somewhat briefly the purpose of this bill which has been reported unanimously from the Ways and Means Committee. In the 1930 act, as amended, the Ways and Means Committee of the House and the Senate and the President approved a provision which provided that while continuing the importation of \$100 of goods free of duty from foreign countries that cross the Canadian border, a returning resident must have remained there 48 hours, but in connection with the Mexican border, they gave the Treasury Department the privilege of making any rules they wanted to. This bill does not affect the Canadian border in any way, shape, or manner, but the Treasury Department, as to the Mexican border, decided in its wisdom or lack of wisdom, whichever you may think, to put into effect a provision that transient tourists must stay over there 24 hours at least in only one customs district, that of San Diego, which includes Calexico and Tia Juana. There are no places fit for habitation for people—the gentleman from Oklahoma, the gentleman from Illinois [Mr. MASON], or my distinguished colleague from Georgia [Mr. COX]—where they would want to stay 24 hours, or where you could with any safety to health. For that reason the Committee on Ways and Means by unanimous report has seen fit to bring this bill to you for your consideration, so that the Treasury will be bound by certain regulations. This does not permit the unlimited importation of any article. The limit is still \$100, and the Treasury is given authority to make the limit once in 6 months, instead of once in 30 days. There will be no loss of money to the Treasury. We have considered this very carefully, and I have been instructed to make every effort by parliamentary means to have the bill passed.

Mr. TABER. Mr. Speaker, will the gentleman yield?

Mr. BUCK. Yes.

Mr. TABER. Is this bill for the benefit of the holiday crowd that go across the border to some of the resorts on the other side of the line?

Mr. BUCK. It certainly is not. The only opposition to this bill that I know comes from the Hollywood crowd, a small group of merchants, who think that all of the trinkets should be bought in Los Angeles, instead of permitting the development of tourist trade in the other parts of southern California.

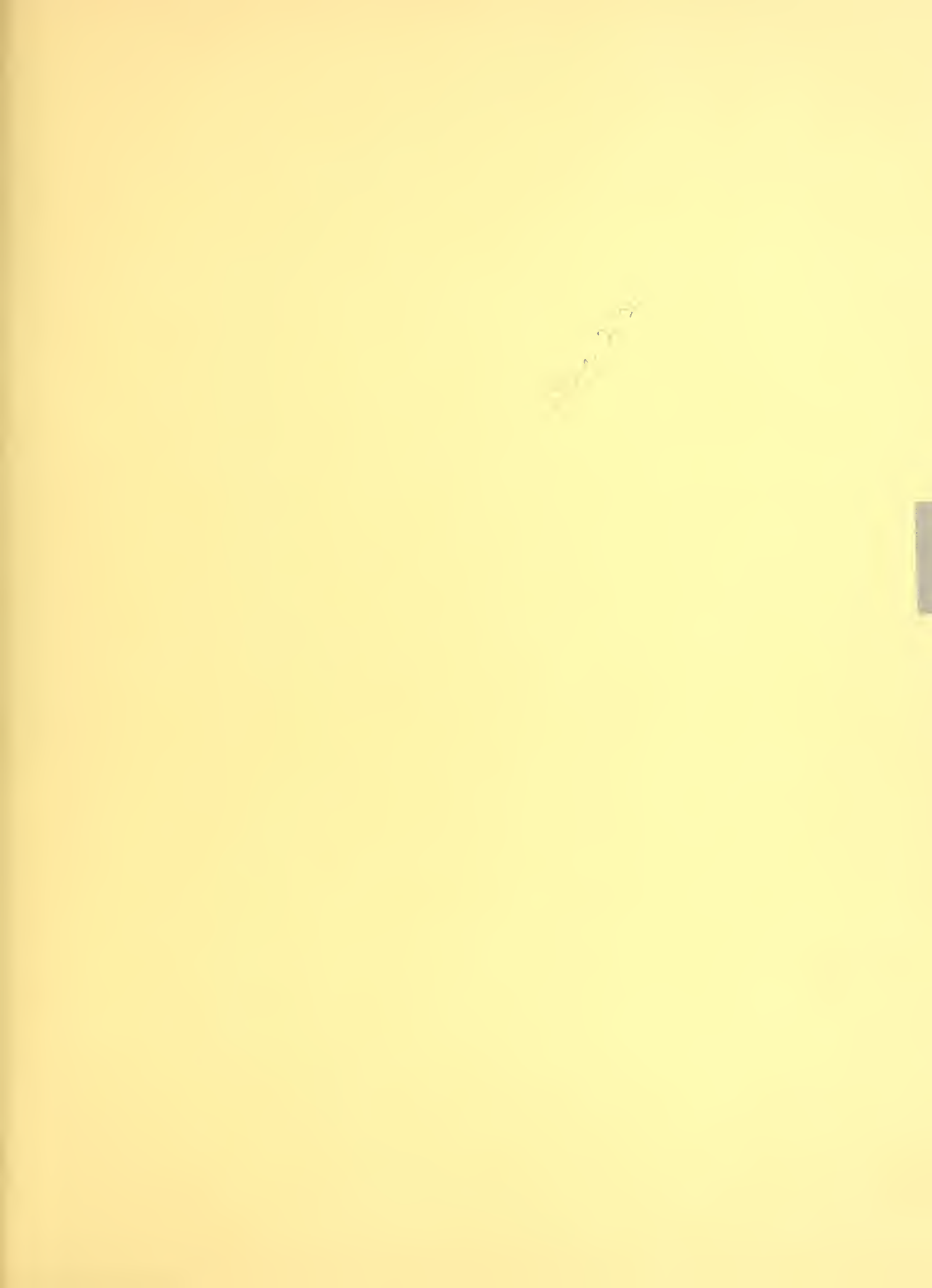
Mr. MICHENER. Mr. Speaker, will the gentleman yield?

Mr. BUCK. Yes.

Mr. MICHENER. Are not the people back of this bill the A. A. A. and other interested people who want to encourage tourists to go to this God-forsaken place to which the gentleman has referred for the purpose of trade. Where you may buy overcoats and other commodities much cheaper than you can buy them in the United States?

Mr. BUCK. Oh, I would hardly say that.

Mr. MICHENER. Would the gentleman not say that that is so?



[PUBLIC LAW 364—77TH CONGRESS]

[CHAPTER 611—1ST SESSION]

[S. 2077]

AN ACT

Amending the Department of Agriculture Appropriation Act, 1942, so as to provide for agricultural conservation program payments to farmers whose crops have been acquired under the national-defense program.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the last proviso under the head "Conservation and Use of Agricultural Land Resources, Department of Agriculture" in the Department of Agriculture Appropriation Act, 1942 (Public Law 144. Seventy-seventh Congress, approved July 1, 1941), is amended to read as follows: "*Provided further*, That notwithstanding any other provision of law, persons who in 1940 and 1941 carried out farming operations as landlords, tenants, or sharecroppers on cropland owned by the United States Government and who complied with the terms and conditions of the 1940 and 1941 agricultural conservation programs, formulated pursuant to sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, shall be entitled to apply for and receive payments, or to retain payments heretofore made, for their participation in said program to the same extent as other producers, and wherever in either of such years the acquisition of title to, or lease of, any farm for use in the national-defense program caused the producers to lose their interest in the crops planted thereon, or the proceeds thereof, prior to the time of harvest, the landlord, tenants, and sharecroppers on such farm in such year shall be entitled to apply for and receive the payments which they would have received under the agricultural conservation program for such year if they had been permitted to retain their interest in such crops, or the proceeds thereof, to the extent that it does not clearly appear that in connection with such acquisition full compensation was made for the failure to receive such payments."

Approved, December 22, 1941.

